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PTO/SB/05 (4/98)

Approved for use through 09/30/2000. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. P313641

First Inventor or Application Identifier

Steven H. Rice

Title

METHOD AND APPARATUS FOR A DEVICE TO CREATE A MUSICAL NOISE

Express Mail Label No.

EL740968349US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington DC 20211

1. ☒ \*Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)

2. ☒ Specification [Total Pages 28]  
(preferred arrangement set forth below)

- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]

4. Oath or Declaration [Total Pages 33]

- a. ☒ Newly executed (original or copy)  
b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Box 16 completed)

☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

5. ☐ Microfiche Computer Program (Appendix)
6. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy (identical to computer copy)
  - c. ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
9. ☐ English Translation Document (if applicable)
10. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- \* Small Entity
13. ☒ Statement(s) ☐ Statement filed in prior application,  
(PTO/SB/09-12) Status still proper and desired
14. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
15. ☒ Other: Transmittal Letter w/ Express  
Cert. of Mailing

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. \_\_\_\_\_

Prior application in formation: Examiner \_\_\_\_\_

Group I Art Unit \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

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or ☐ Correspondence address below

(Insert Customer No or Attach bar code label here)

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Michael F. Hughes

Registration No. (Attorney/Agent)

41,084

Signature

Date

March 21, 2001

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<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2000</h2> <p style="font-size: small; margin: 5px 0;">Patent fees are subject to annual revision. Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.</p>		<b>Complete if Known</b>	
<b>TOTAL AMOUNT OF PAYMENT</b>		Application Number	Filing Date
\$ 562.00		March 21, 2001	First Named Inventor
\$ 562.00		Steven H. Rice	Examiner Name
\$ 562.00		Group / Art Unit	Attorney Docket No.
\$ 562.00		P313641	P313641

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																								
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit any overpayment to the account stated below.</p> <p>Deposit Account Number: 08-3260</p> <p>Deposit Account Name:</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:  <input checked="" type="checkbox"/> Check    <input type="checkbox"/> Money Order    <input type="checkbox"/> Other</p>	<p><b>3. ADDITIONAL FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Large Entity Code (\$)</th> <th style="width: 15%;">Small Entity Code (\$)</th> <th style="width: 50%;">Fee Description</th> <th style="width: 20%;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>105 130 205 65</td><td></td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127 50 227 25</td><td></td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139 130 139 130</td><td></td><td>Non-English specification</td><td></td></tr> <tr><td>147 2,520 147 2,520</td><td></td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112 920* 112 920*</td><td></td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113 1,840* 113 1,840*</td><td></td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115 110 215 55</td><td></td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116 380 216 190</td><td></td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117 870 217 435</td><td></td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118 1,360 218 680</td><td></td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128 1,850 228 925</td><td></td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119 300 219 150</td><td></td><td>Notice of Appeal</td><td></td></tr> <tr><td>120 300 220 150</td><td></td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121 260 221 130</td><td></td><td>Request for oral hearing</td><td></td></tr> <tr><td>138 1,510 138 1,510</td><td></td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140 110 240 55</td><td></td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141 1,210 241 605</td><td></td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142 1,210 242 605</td><td></td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143 430 243 215</td><td></td><td>Design issue fee</td><td></td></tr> <tr><td>144 580 244 290</td><td></td><td>Plant issue fee</td><td></td></tr> <tr><td>122 130 122 130</td><td></td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123 50 123 50</td><td></td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126 240 126 240</td><td></td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581 40 581 40</td><td></td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146 760 246 380</td><td></td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149 760 249 380</td><td></td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td colspan="3">Other fee (specify) _____</td><td></td></tr> <tr><td colspan="3">Other fee (specify) _____</td><td></td></tr> <tr> <td colspan="3" style="text-align: right;">Reduced by Basic Filing Fee Paid</td> <td style="text-align: right;">SUBTOTAL (3) (\$ 0.00)</td> </tr> </tbody> </table>	Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid	105 130 205 65		Surcharge - late filing fee or oath		127 50 227 25		Surcharge - late provisional filing fee or cover sheet		139 130 139 130		Non-English specification		147 2,520 147 2,520		For filing a request for reexamination		112 920* 112 920*		Requesting publication of SIR prior to Examiner action		113 1,840* 113 1,840*		Requesting publication of SIR after Examiner action		115 110 215 55		Extension for reply within first month		116 380 216 190		Extension for reply within second month		117 870 217 435		Extension for reply within third month		118 1,360 218 680		Extension for reply within fourth month		128 1,850 228 925		Extension for reply within fifth month		119 300 219 150		Notice of Appeal		120 300 220 150		Filing a brief in support of an appeal		121 260 221 130		Request for oral hearing		138 1,510 138 1,510		Petition to institute a public use proceeding		140 110 240 55		Petition to revive - unavoidable		141 1,210 241 605		Petition to revive - unintentional		142 1,210 242 605		Utility issue fee (or reissue)		143 430 243 215		Design issue fee		144 580 244 290		Plant issue fee		122 130 122 130		Petitions to the Commissioner		123 50 123 50		Petitions related to provisional applications		126 240 126 240		Submission of Information Disclosure Stmt		581 40 581 40		Recording each patent assignment per property (times number of properties)		146 760 246 380		Filing a submission after final rejection (37 CFR § 1.129(a))		149 760 249 380		For each additional invention to be examined (37 CFR § 1.129(b))		Other fee (specify) _____				Other fee (specify) _____				Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$ 0.00)
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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Michael F. Hughes	Registration No. (Attorney/Agent)	41,084
Signature		Telephone	(360)647-1296
		Date	March 21, 2001

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PATENT, TRADEMARK  
& COPYRIGHT LAW

Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

March 21, 2001  
Docket No. P313641

Sir:

Transmitted herewith for filing is a Patent application:

Applicant: Mr. Steven H. Rice  
Title: METHOD AND APPARATUS FOR A DEVICE TO CREATE A MUSICAL  
NOISE

**Application is claiming priority benefit under 35 U.S.C. §119(e) of U.S. Serial  
Number(s) and Filing Date(s):**

<u>Serial Number</u>	<u>Filing Date</u>
60/191,005	03/21/00

1. Enclosed are:

- a) Certificate of Express Mailing requesting treatment under 37 CFR 1.10,  
Express Mail Filing Date of March 21, 2001, Label No. EL740968349US;
- b) 1-page Utility Patent Application Transmittal;
- c) 1-page Fee Transmittal in duplicate form;
- d) Executed Combined Declaration and Power of Attorney;
- e) IDS PTO-1449 w/ Cited References;
- f) Specification, claims and abstract (28 pages total: 18 pages of specification,  
9 pages of claims, 1 page of abstract);
- g) 5 sheets of informal drawings;
- h) A check in the amount of \$ 562.00 for Filing Fee; and
- i) A stamped return receipt postcard.

EXPRESS MAIL CERTIFICATE OF MAILING

37 C.F.R. §1.10

I hereby certify that this paper (along with any paper  
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Express Mail Post Office to Addressee, in an  
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APPLICATION, Assistant Commissioner for Patents,  
Washington, DC 20231, on the date shown below.

Express Mail No: EL740968349US

Signature: Robin Fry

Print Name: Robin Fry  
DATE MAILED: March 21, 2001